

# Exhibit 28

1 **FRANKOVITCH, ANETAKIS, COLANTONIO & SIMON**  
2 **337 Penco Road**  
3 **Weirton, WV 26062**  
4 **304-723-4400**

5 *Counsel for Indirect Purchaser Plaintiffs*

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9  
10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

13 **IN RE: CATHODE RAY TUBE (CRT)**  
14 **ANTITRUST LITIGATION**

Case No. 3:07-cv-5944  
MDL No. 1917

15 **CLASS ACTION**

16 This Document Relates to:  
17 All Indirect Purchaser Actions

18 **DECLARATION OF MICHAEL G. SIMON IN**  
19 **SUPPORT OF PLAINTIFFS' APPLICATION**  
20 **FOR ATTORNEYS' FEES, EXPENSES AND**  
21 **INCENTIVE AWARDS**

22 Judge: Honorable Samuel Conti  
23 Courtroom One, 17th Floor

1 I, MICHAEL G. SIMON, declare as follows:

2 1. I am an attorney licensed to practice before the courts of West Virginia, and a  
3 Partner in the law firm Frankovitch, Anetakis, Colantonio & Simon. I have personal knowledge of  
4 the facts stated in this declaration and, if called as a witness, I could and would testify competently  
5 to them. I make this declaration in support of my firm's request for attorneys' fees and  
6 reimbursement of litigation expenses, as set forth in Plaintiffs' Application for Attorneys' Fees,  
7 Expenses and Incentive Awards.

8 2. My firm is counsel of record in this case, and represents named plaintiff(s), John  
9 Larch. A brief description of my firm is attached as Exhibit 1 and incorporated herein by  
10 reference.

11 3. Throughout the course of this litigation, my firm kept files contemporaneously  
12 documenting all time spent, including tasks performed, and expenses incurred, and transmitted  
13 those reports on a regular basis to Lead Counsel. All of the time and expenses reported by my firm  
14 were incurred for the benefit of the Indirect Purchaser Plaintiffs ("IPPs").

15 4. During the course of this litigation, my firm has been involved in the following  
16 tasks and activities on behalf of the IPPs. All of this work was assigned and/or approved by Lead  
17 Counsel.

18 Document review, assisted with discovery in regards to our client's deposition,  
19 defense of deposition of our client, preparation of our client for deposition and other work  
20 assignments as assigned by lead counsel.

21 5. The schedule attached as Exhibit 2, and incorporated herein, is a detailed summary  
22 of the amount of time spent by my firm's partners, attorneys and professional support staff who  
23 were involved in this litigation. It does not include any time devoted to preparing this declaration  
24 or otherwise pertaining to the Joint Fee Petition. The lodestar calculation is based on my firm's  
25 historical billing rates in effect at the time services were performed. Exhibit 2 was prepared from  
26 contemporaneous time records regularly prepared and maintained by my firm. Those records have  
27 been provided to Lead Counsel and I authorize them to be submitted for inspection by the Court if

1 necessary. The hourly rates for my firm's partners, attorneys and professional support staff  
2 included in Exhibit 2 were at the time the work was performed the usual and customary hourly  
3 rates charged for their services in similar complex litigation.

4 6. The total number of hours reasonably expended on this litigation by my firm from  
5 inception to May 31, 2015 is 1,122.21 hours. The total lodestar for my firm at historical rates is  
6 \$197,859.25. The total lodestar for my firm at current rates is \$197,859.25. Expense items are  
7 billed separately and are not duplicated in my firm's lodestar.

8 7. The expenses my firm incurred in litigating this action are reflected in the books  
9 and records of my firm. These books and records are prepared from expense vouchers, invoices,  
10 receipts, check records and other source materials and accurately reflect the expenses incurred.  
11 My firm's expense records are available for inspection by the Court if necessary.

12 8. My firm incurred a total of \$27,389.68 in unreimbursed expenses, all of which were  
13 reasonable and necessary for the prosecution of this litigation. Of this amount, \$25,000.00 was for  
14 assessment payments for common litigation expenses or direct payments to experts or other  
15 vendors made at the request of Lead Counsel, and an additional \$2,389.68 was for non-common  
16 litigation expenses incurred by my firm, such as travel, meals and lodging, copying, legal research,  
17 telephone, etc. A summary of those expenses by category is attached as Exhibit 3.

18  
19 I declare under penalty of perjury that the foregoing is true and correct. Executed this 23rd  
20 day of July, 2015, in Weirton, West Virginia.

21   
22 [SIGNATURE]

# EXHIBIT 1

**EXHIBIT 1**

**FRANKOVITCH, ANETAKIS, COLANTONIO & SIMON**

**337 Penco Road  
Weirton, West Virginia 26062  
(304) 723-4400  
Fax (304) 723-5892  
www.facsllaw.com**

**Curriculum Vitae**

Partners: George J. Anetakis, Carl N. Frankovitch, M. Eric Frankovitch, Mark A. Colantonio and Michael G. Simon

Associates: Thomas J. Decapio, Kevin M. Pearl and Carl A. Frankovitch

Of Counsel: William R. Kiefer

Frankovitch, Anetakis, Colantonio & Simon is a West Virginia based law firm with a main office in Weirton and branch offices in Wheeling and Chester, West Virginia. The firm is comprised of attorneys licensed in West Virginia, Ohio, and Pennsylvania. Although the firm is very diverse in its areas of practice, its main focus is litigation. The firm's litigation practice centers on the representation of injured individuals, mass litigation, and class action litigation. The firm specializes in personal injury, class actions and complex litigation, labor and employment law, insurance litigation, general civil litigation, corporate and business law, banking, real estate, healthcare, Social Security, probate, Workers' Compensation, bankruptcy, criminal law, and family law.

Frankovitch, Anetakis, Colantonio & Simon has served as one of the lead or liaison counsel in *National Steel Corporation v. Continental Casualty, et al.*, Circuit Court of Hancock County, West Virginia, Civil Action No. 95-C-525; *Wheeling Pittsburgh Steel Corporation v. American Home Assurance Company, et al.*, Circuit Court of Ohio County, West Virginia, Civil Action No. 93-C-340; *In Re: Diet Drug Litigation*, Circuit Court of Brooke County, West Virginia, Civil Action No. 98-C-9999; *Archer v. F. Hoffman-LaRoche, Ltd., et al.*, Civil Action No.: 99-C-327, Circuit Court of Kanawha County, West Virginia; *In Re: West Virginia Rezulin Litigation*, West Virginia Mass Litigation Panel, Circuit Court of Raleigh County, West Virginia, Civil Action No. 00-C-1180-H; *McCallister, et al. v. Purdue Pharma, LP*, Circuit Court of Putnam County, West Virginia, Civil Action No. 01-C-238; *In re Serzone Products Liability Litigation*, U.S. District Court, Southern District of West Virginia, MDL No. 1968; *Dailey v. Smitsky, et al.*, Civil Action No. 04-C-208, Circuit Court of Brooke County, West Virginia; *In re CR Bard Pelvic Repair Systems Products Liability Litigation*, MDL No. 2187; *In re American Medical Systems, Inc., Pelvic Repair Systems Products Liability Litigation*, MDL No. 2325; *In re Boston Scientific Corp. Pelvic Repair Systems Products Liability Litigation*, MDL No. 2326; *In re Ethicon, Inc. Pelvic Repair Systems Products Liability Litigation*, MDL No. 2327; *In re Disposable Contact Lens Antitrust Litigation*, MDL No. 2626.

# EXHIBIT 2

## TIME AND LODESTAR SUMMARY

Firm Name	Frankovitch, Anetakis, Colantonio & Simon
Reporting Year	2007

[illegible]



## TIME AND LODESTAR SUMMARY

Firm Name	Frankovitch, Anetakis, Colantonio & Simon
Reporting Year	2008

[illegible]

## TIME AND LODESTAR SUMMARY

### INDIRECT PURCHASER PLAINTIFFS

Firm Name	Frankovitch, Anetakis, Colantonio & Simon
Reporting Year	2009

[illegible]

## TIME AND LODESTAR SUMMARY

### INDIRECT PURCHASER PLAINTIFFS

Firm Name	Frankovitch, Anetakis, Colantonio & Simon
Reporting Year	2010

[illegible]

## EXHIBIT 2

**IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917  
TIME AND LODestar SUMMARY  
INDIRECT PURCHASER PLAINTIFFS**

Firm Name	Frankovitch, Anetakis, Colantonio & Simon
Reporting Year	2011

[illegible]

## TIME AND LODESTAR SUMMARY

### INDIRECT PURCHASER PLAINTIFFS

Firm Name	Frankovitch, Anetakis, Colantonio & Simon
Reporting Year	2012

[illegible]

## TIME AND LODESTAR SUMMARY

Firm Name	Frankovitch, Anetakis, Colantonio & Simon
Reporting Year	2013

[illegible]

## TIME AND LODESTAR SUMMARY

### INDIRECT PURCHASER PLAINTIFFS

<b>Firm Name</b>	<b>Frankovitch, Anetakis, Colantonio &amp; Simon</b>
<b>Reporting Year</b>	<b>2014</b>

[illegible]

## TIME AND LODESTAR SUMMARY

### INDIRECT PURCHASER PLAINTIFFS

<b>Firm Name</b>	Frankovitch, Anetakis, Colantonio & Simon
<b>Reporting Year</b>	2015

[illegible]



## EXHIBIT 2

**IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917**  
**TIME AND LODESTAR SUMMARY**  
**INDIRECT PURCHASER PLAINTIFFS**

<b>Firm Name</b>	<b>Frankovitch, Anetakis, Colantonio &amp; Simon</b>
<b>Reporting Year</b>	<b>Inception through Present</b>

<b>Year</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>Hours</b>	<b>Lodestar</b>
2007		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.00	\$ -
2008		0.0	0.0	2.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	2.60	\$ 552.50
2009		0.0	5.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	5.80	\$ 1,450.00
2010		0.0	0.0	0.4	5.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	6.10	\$ 1,277.50
2011		2.2	0.0	0.0	3.6	0.0	0.0	44.3	0.0	0.0	0.0	0.0	0.0	50.10	\$ 8,985.00
2012		0.0	0.2	0.0	0.0	9.4	5.6	843.5	0.0	0.0	0.0	0.0	0.0	858.71	\$ 150,786.75
2013		0.0	0.0	0.0	0.0	0.0	0.0	198.9	0.0	0.0	0.0	0.0	0.0	198.90	\$ 34,807.50
2014		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.00	\$ -
2015		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.00	\$ -
		2.2	6.0	3.0	9.3	9.4	5.6	1086.7	0.0	0.0	0.0	0.0	0.0	1122.21	\$ 197,859.25

**STATUS:**

(P) Partner  
(OC) Of Counsel  
(A) Associate  
(LC) Law Clerk  
(PL) Paralegal  
(I) Investigator

**CATEGORIES:**

1 Attorney Meeting/Strategy  
2 Court Appearance  
3 Client Meeting  
4 Draft Discovery Requests or Responses  
5 Deposition Preparation  
6 Attend Deposition - Conduct/Defend  
7 Document Review  
8 Experts - Work or Consult  
9 Research  
10 Motions/Pleadings  
11 Settlement  
12 Trial

# EXHIBIT 3

EXHIBIT 3  
 IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917  
 EXPENSE SUMMARY  
 INDIRECT PURCHASER PLAINTIFFS

<b>Firm Name</b>	<b>Frankovitch, Anetakis, Colantonio &amp; Simon</b>
<b>Reporting Year</b>	<b>Inception through Present</b>

<b>TYPE OF EXPENSE</b>		<b>TOTAL</b>
Assessments		\$25,000.00
Outside Copies		
In-house Reproduction /Copies		\$2,388.80
Court Costs & Filing Fees		
Court Reports 7 Transcripts		
Computer Research		
Telephone & Facsimile		
Postage/Express Delivery/Courier	\$	0.88
Professional Fees (investigator, accountant, etc.)		
Experts		
Witness / Service Fees		
Travel: Airfare		
Travel: Lodging/Meals		
Travel: Other		
Car Rental/Cabfare/Parking		
Other Expenses		
	\$	27,389.68